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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ECHO & RIG SACRAMENTO, LLC,
individually and on behalf of all others similarly
situated,

Plaintiff,

v.

BERKSHIRE HATHAWAY INC.,
WESTGUARD INSURANCE COMPANY,
AMGUARD INSURANCE COMPANY,
AZGUARD INSURANCE COMPANY,
EASTGUARD INSURANCE COMPANY,
NORGUARD INSURANCE COMPANY, AND
NATIONAL INDEMNITY COMPANY,

Defendants.

CASE NO. 2:23-CV-00197-TLN-JDP

**STIPULATION AND ORDER FOR
EXTENSION OF TIME FOR
DEFENDANTS TO RESPOND TO THE
COMPLAINT AND FOR BRIEFING
SCHEDULE**

Judge: Hon. Troy L. Nunley

Trial Date: None set

Action Filed: January 31, 2023

1 WHEREAS, on January 31, 2023, plaintiff Echo & Rig Sacramento LLC (“Echo & Rig”)
2 filed a complaint in this Court against seven defendants;

3 WHEREAS, Echo & Rig began serving defendants on a rolling basis during the month of
4 February, with the most recent service being received on or about February 14, 2023;

5 WHEREAS, Echo & Rig represents that it served AZGUARD Insurance Company and
6 National Indemnity Company on February 6; Berkshire Hathaway Inc., on February 8; and
7 AmGUARD Insurance Company, EastGUARD Insurance Company, and NorGUARD Insurance
8 Company on February 14.

9 WHEREAS, Echo & Rig has not yet served WestGUARD Insurance Company but
10 WestGUARD agreed to accept service on a non-waiver-of-defenses basis as of February 23, 2023;

11 WHEREAS, the defendants each intend to respond to the complaint with a motion to dismiss
12 and each preserve all of their defenses to the complaint, including but not limited to jurisdictional
13 defenses;

14 WHEREAS, it would save party and judicial resources for the defendants to file, and the
15 Court to hear, those motions on the same day, regardless of the particular date on which each
16 defendant accepted service;

17 WHEREAS, the additional time will also enable defendants to coordinate to minimize the
18 number of motions to dismiss filed;

19 WHEREAS, the parties therefore wish to stipulate to an extension of time to respond to the
20 complaint, and to a briefing schedule for the defendants’ motions to dismiss; and

21 WHEREAS, no party has previously sought any extension of time in this action,

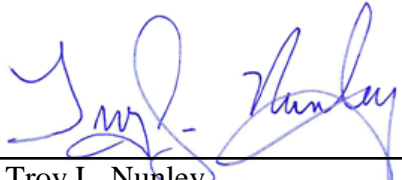
22 NOW, THEREFORE, under Local Rules 143 and 144, the parties stipulate to the following
23 briefing schedule on the defendants’ forthcoming motion(s) to dismiss, subject to approval of the
24 Court:

- 25 • March 30, 2023: Deadline for the defendants to file their motion(s) to dismiss (or to
26 answer the complaint, should they choose to do that)
- 27 • April 20, 2023: Deadline for Echo & Rig to file its opposition to any motion to dismiss
28 filed by the defendants.

- May 4, 2023: Deadline for the defendants to file any reply brief(s) in support of any motion to dismiss
- Hearing on any motion to dismiss filed by the defendants on May 18 at 2:00 p.m., or the next available hearing date convenient for the Court

IT IS SO ORDERED.

Dated: February 23, 2023



Troy L. Nunley
United States District Judge

1 Dated: February 23, 2023

GIBSON, DUNN & CRUTCHER LLP

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3 By: /s/ Deborah L. Stein
4 Deborah L. Stein

5 *Attorneys for Defendants Berkshire*
6 *Hathaway Inc. et al.*

7
8 Dated: February 23, 2023

By: /s/ Richard Lyon
Richard Lyon

9 *Attorneys for Plaintiff Echo & Rig*
10 *Sacramento, LLC*
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